

Document No. _____

KANSAS REGISTER
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife, Parks and Tourism

Agency Address - 1020 S. Kansas Ave., Suite 200

Topeka, Kansas 66612-1233

Title of Document -- Public Meeting

Desired Date of Publication - January 19, 2012

ITEMS SUBMITTED IN DUPLICATE

CERTIFICATION

I hereby certify that I have reviewed the attached documents, and that they conform to all applicable Kansas Register publication guidelines and to the requirements of K.S.A. 75-431, as amended. I further certify that submission of these items for publication is a proper and lawful action of this agency, that funds are available to pay the publication fees and that such fees will be paid by this agency on receipt of billing.

Christopher J. Tymeson
Liaison officer's typed name

Liaison officer's signature

Department Attorney

(785) 296-2281

Title

Phone

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Wildlife, Parks, and Tourism Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 7:00 p.m., Thursday, March 22, 2012 at the Kansas Historical Society History Center, 6425 SW 6th, Topeka, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A regulatory hearing on business of the Wildlife, Parks, and Tourism Commission will begin at 7:00 p.m., March 22 at the location listed above. There will be public comment periods at the beginning of the evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. March 23 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public meeting and may request the meeting materials in an accessible format. Requests for accommodation to participate in the meeting should be made at least five working days in advance of the meeting by contacting Sheila Kemmis, Commission Secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at 1-800-432-0698 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife, Parks, and Tourism, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to sheila.kemmis@ksoutdoors.com if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-4-2. This permanent regulation establishes general provisions for big game and wild turkeys. The proposed amendments address further concerns with transportation of wildlife, remove language that is no longer necessary and make it unlawful to copy or possess copies of big game and wild turkey permits.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

K.A.R. 115-4-4. This permanent regulation establishes big game legal equipment. The

proposed amendments would allow certain individuals to use crossbows during the archery season and remove restrictions on possessing certain equipment.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

K.A.R. 115-4-4a. This permanent regulation establishes wild turkey legal equipment. The proposed amendments would allow certain individuals to use crossbows during the archery season and remove restrictions on possessing certain equipment.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at www.kdwpt.state.ks.us, or by calling (785) 296-2281.

Gerald Lauber, Chairman

115-4-2. Big game and wild turkey; general provisions. (a) Possession.

(1) Each permittee shall sign, record the county, the date, and the time of kill, and attach the carcass tag to the carcass in a visible manner immediately following the kill and before moving the carcass from the site of the kill. ~~Except for a wild turkey or big game animal taken with an “either sex” permit, the beard of the wild turkey or the head of the big game animal shall remain naturally attached to the carcass while in transit from the site of the kill to the permittee’s residence or to a place of processing or preservation, unless the carcass has been tagged with a department check station tag or the permittee has obtained a transportation confirmation number after electronically registering the permittee’s deer on the department’s electronic registration site. “Electronically registering” shall mean submitting any necessary and relevant information and digital photographs of the deer head and of the completed carcass tag of sufficient clarity to display the species and antler class of the deer and the transaction number and signature on a completed carcass tag.~~ The carcass tag shall remain attached to the carcass or in the possession of the permittee if transporting a quartered or deboned animal until the animal reaches the permittee’s residence or a commercial place of processing or preservation and is processed for consumption. The permittee shall retain the carcass tag until the animal is consumed, given to another, or otherwise disposed of.

(2) Except for a wild turkey or big game animal taken with an “either sex” permit, the beard of the wild turkey shall remain naturally attached to the breast or the head of the big game animal shall remain naturally attached to the carcass while in transit from the site of the kill to the permittee’s residence or to a commercial place of processing or preservation, unless the carcass has been tagged with a department check station tag, the permittee has obtained a transportation confirmation number

after electronically registering the permittee's deer or wild turkey on the department's electronic registration site, or the permittee retains photographs necessary for electronic registration until registration occurs. "Electronically registering" shall mean submitting any necessary and relevant information and digital photographs of the deer head or turkey breast and of the completed carcass tag of sufficient clarity to display the species and the antlered or antlerless condition of the deer, the beard of the wild turkey, and the transaction number and signature on a completed carcass tag.

(3) Any legally acquired big game or wild turkey meat may be given to and possessed by another, if a dated written notice that includes the donor's printed name, signature, address, and permit number accompanies the meat. The person receiving the meat shall retain the notice until the meat is consumed, given to another, or otherwise disposed of.

~~(3)~~ (4) Any person may possess a salvaged big game or wild turkey carcass if a department salvage tag issued to the person obtaining the carcass is affixed to the carcass. The salvage tag shall be retained as provided in paragraph (a)(1). Big game or wild turkey meat may be donated as specified in paragraph ~~(a)(2)~~ (a)(3) using the salvage tag number. Each salvage tag report prepared by the department agent issuing the tag shall be signed by the individual receiving the salvaged big game or wild turkey carcass. Each salvage tag shall include the following information:

- (A) The name and address of the person to whom the tag is issued;
- (B) the salvage tag number;
- (C) the species and sex of each animal for which the tag is issued;
- (D) the location and the date, time, and cause of death of each animal; and
- (E) the date of issuance and the signature of the department agent issuing the salvage tag.

(b) Big game and wild turkey permits and game tags.

(1) A permit or game tag purchased during the open season shall not be valid until the next calendar day.

(2) Big game and wild turkey permits and game tags shall not be transferred to another person, unless otherwise authorized by law or regulation.

(3) ~~Removal of the carcass tag from the permit or game tag shall invalidate the permit or game tag for hunting, unless otherwise authorized by law or regulation.~~

~~(4)~~ In addition to other penalties prescribed by law, each big game and wild turkey permit or game tag shall be invalid from the date of issuance if obtained by an individual under any of these conditions:

(A) Through false representation;

(B) through misrepresentation; or

(C) in excess of the number of permits or game tags authorized by regulations for that big game species or wild turkey.

(4) No individual shall copy, reproduce, or possess any copy or reproduction of a big game or wild turkey permit or carcass tag.

(c) Hunting assistance. Subject to the hunting license requirements of K.S.A. 32-919 and amendments thereto, the license requirements of the implementing regulations, and the provisions of paragraphs (c)(1), (c)(2), and (c)(3), any individual may assist any holder of a big game or wild turkey permit or game tag during the permittee's big game or wild turkey hunting activity. This assistance may include herding, ~~or driving,~~ or calling.

(1) An individual assisting the holder of a big game or wild turkey permit or game tag shall not perform the actual shooting of big game or wild turkey for the permittee, unless authorized by K.A.R. 115-18-15. However, a permittee who is, because of disability, unable to pursue a wounded big game animal or wild turkey may designate any individual to assist in pursuing and dispatching a big game animal or wild turkey wounded by the disabled permittee.

(2) The designated individual shall carry the disabled permittee's big game or wild turkey permit or game tag and shall attach the carcass tag to the carcass immediately after the kill and before leaving the site of the kill.

(3) The designated individual shall use only the type of equipment authorized for use by the disabled permittee. (Authorized by and implementing K.S.A. 32-807, K.S.A. ~~2008~~ 2010 Supp. 32-937, and K.S.A. ~~2008~~ 2010 Supp. 32-969; ~~implementing K.S.A. 32-807, K.S.A. 2008 Supp. 32-937, K.S.A. 2008 Supp. 32-969, K.S.A. 2008 Supp. 32-1001, K.S.A. 2008 Supp. 32-1002, and K.S.A. 2008 Supp. 32-1004;~~ effective June 1, 2001; amended April 22, 2005; amended April 16, 2010; amended P-_____.)

115-4-4. Big game; legal equipment and taking methods. (a) Hunting equipment for the taking of big game during a big game archery season shall consist of the following:

(1) Archery equipment.

(A) Each bow shall be hand-drawn.

(B) No bow shall have a mechanical device that locks the bow at full or partial draw.

(C) Each bow shall be designed to shoot only one arrow at a time.

(D) No bow shall have any electronic device attached to the bow or arrow, with the exception of lighted pin, dot, holographic sights, or illuminated nocks.

(E) Each arrow used for hunting shall be equipped with a broadhead point incapable of passing through a ring with a diameter of three-quarters of an inch when fully expanded. A big game hunter using archery equipment may possess non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take big game animals.

(F) No bow with less than 50 pounds of draw weight shall be used to archery hunt for elk.

(2) Crossbows and locking draws as authorized under K.A.R. 115-18-7.

(3) For any individual possessing a youth big game permit or any individual 55 years of age or older, crossbows of not less than 125 pounds of draw weight, using arrows not less than 16 inches in length that are equipped with broadhead points incapable of passing through a ring with a diameter of three-quarters of an inch when fully expanded. A big game hunter using crossbow equipment may possess non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take big game animals.

(b) Hunting equipment for the taking of big game during a big game muzzleloader-only season

shall consist of the following:

- (1) Archery and crossbow equipment as authorized in subsection (a);
- (2) muzzleloading rifles and muskets that can be loaded only through the front of the firing chamber with separate components and that fire a bullet of .39 inches in diameter or larger, except for the hunting of elk, which shall require a bullet of .49 inches in diameter or larger; and
- (3) single-barrel muzzleloading pistols .45 caliber or larger that have a barrel length of 10 inches or greater and can be loaded only through the front of the barrel with separate components, except for the hunting of elk, which shall require a bullet of .49 inches in diameter or larger. Only hard-cast solid lead, conical lead, or sabot bullets shall be used with muzzleloading pistols.

(c) Hunting equipment for the taking of big game during a big game firearm season shall consist of the following:

- (1) Archery equipment as authorized in subsection (a);
- (2) muzzleloader-only season equipment as authorized in subsection (b);
- (3) centerfire rifles and handguns that are not fully automatic, that fire a bullet larger than .23 inches in diameter, and that use a cartridge case that is 1.280 inches or more in length, while using only hard-cast solid lead, soft point, hollow point, or other expanding bullets, except for the hunting of elk, which shall require a bullet larger than .25 inches in diameter and a cartridge case that is 1.75 inches or more in length;
- (4) shotguns using only slugs of 20 gauge or larger, except that the hunting of elk shall require a slug of 12 gauge or larger; and
- (5) crossbows of not less than 125 pounds of draw weight, using arrows not less than 16 inches

in length that are equipped with broadhead points incapable of passing through a ring with a diameter of three-quarters of an inch when fully expanded. A big game hunter using ~~archery~~ crossbow equipment may possess non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take big game animals.

(d) Accessory equipment.

(1) Each individual hunting deer or elk during a firearms deer or elk season and each individual assisting an individual hunting deer or elk as authorized by K.A.R. 115-4-2 or K.A.R. 115-18-15 during a firearms deer or elk season shall wear clothing of a bright orange color having a predominant light wavelength of 595-605 nanometers, commonly referred to as daylight fluorescent orange, hunter orange, blaze orange, or safety orange. This bright orange color shall be worn as follows:

(A) A hat with the exterior of not less than 50 percent of the bright orange color, an equal portion of which is visible from all directions; and

(B) ~~a minimum of~~ at least 100 square inches of the bright orange color that is on the front of the torso and is visible from the front and ~~a minimum of~~ at least 100 square inches that is on the rear of the torso and is visible from the rear.

(2) Nonelectric calls, lures, and decoys, except live decoys, shall be legal while hunting big game.

(3) Any individual may use blinds and stands while hunting big game.

(4) Optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light may be used.

(5) Any range-finding device, if the device does not project visible light toward the target, may

be used.

(6) Devices capable of dispensing chemicals to take big game animals shall not be used.

(e) ~~Big game permittees shall possess hunting equipment while hunting only as authorized by this regulation and by the most restrictive big game permit in possession while hunting.~~

(f) Shooting hours for deer, antelope, and elk during each day of any deer, antelope, or elk hunting season shall be from one-half hour before sunrise to one-half hour after sunset.

(f) Horses and mules may be used while hunting big game, except that horses and mules shall not be used for herding or driving elk. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2009 2010 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2009 Supp. 32-937, K.S.A. 2009 Supp. 32-1002, and K.S.A. 32-1015; effective June 1, 2001; amended April 19, 2002; amended April 22, 2005; amended June 2, 2006; amended April 13, 2007; amended April 11, 2008; amended May 21, 2010; amended P-_____.)

115-4-4a. Wild turkey; legal equipment and taking methods. (a) Hunting equipment for the taking of wild turkey during a wild turkey archery season shall consist of the following:

(1) Archery equipment.

(A) Each bow shall be hand-drawn.

(B) No bow shall have a mechanical device that locks the bow at full or partial draw.

(C) Each bow shall be designed to shoot only one arrow at a time.

(D) No bow shall have any electronic device attached to the bow or arrow, with the exception of lighted pin, dot, holographic sights, or illuminated nocks.

(E) Each arrow used for hunting shall be equipped with a broadhead point incapable of passing through a ring with a diameter of three-quarters of an inch when fully expanded. A wild turkey hunter using archery equipment may possess non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take wild turkeys.

(2) Crossbows and locking draws as authorized under K.A.R. 115-18-7.

(3) For any individual possessing a youth wild turkey permit or any individual 55 years of age or older, crossbows of not less than 125 pounds of draw weight, using arrows not less than 16 inches in length that are equipped with broadhead points incapable of passing through a ring with a diameter of three-quarters of an inch when fully expanded. A wild turkey hunter using crossbow equipment may possess non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take wild turkeys.

(b) Hunting equipment for the taking of wild turkey during a wild turkey firearm season shall consist of the following:

- (1) Archery equipment as authorized in subsection (a);
- (2) shotguns and muzzleloading shotguns not less than 20 gauge and using only size two shot through size nine shot; and
- (3) only during the spring wild turkey firearm season, crossbows of not less than 125 pounds of draw weight, using arrows not less than 16 inches in length that are equipped with broadhead points incapable of passing through a ring with a diameter of three-quarters of an inch when fully expanded. A wild turkey hunter using crossbow equipment may possess non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take wild turkeys.

(c) Legal accessory equipment for the taking of wild turkey during any wild turkey season shall consist of the following:

- (1) Nonelectric calls, lures, and decoys, except live decoys;
- (2) blinds and stands;
- (3) range-finding devices, if the devices do not project visible light toward the target; and
- (4) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light.

~~(d) Each wild turkey permittee shall possess hunting equipment while hunting only as authorized by this regulation and by the most restrictive wild turkey permit or game tag in possession while hunting.~~

~~(e)~~ Shooting hours for wild turkey during each day of any turkey hunting season shall be from one-half hour before sunrise to sunset.

~~(f)~~ (e) Each individual hunting turkey shall shoot or attempt to shoot a turkey only while the

turkey is on the ground or in flight.

~~(g)~~ (f) Dogs may be used while hunting turkey, but only during the fall turkey season.

(Authorized by and implementing K.S.A. 32-807 and K.S.A. ~~2009~~ 2010 Supp. 32-969; ~~implementing~~
~~K.S.A. 32-807, K.S.A. 2009 Supp. 32-969, and K.S.A. 2009 Supp. 32-1002~~; effective April 22, 2005;
amended April 13, 2007; amended April 11, 2008; amended May 21, 2010; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-4-2. Big game and wild turkey; general provisions.

DESCRIPTION: The proposed changes would further address concerns with transportation of carcasses beyond the borders of the state and preventing potential disease transmission by allowing a method of electronic registration. The proposed changes would also remove language related to permits that is no longer valid with an electronic licensing system and make it unlawful to reproduce and possess big game and turkey permits.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed regulation is not anticipated to have any appreciable economic impact on the department, other agencies, small businesses or the public.

ALTERNATIVES CONSIDERED: None.

ECONOMIC IMPACT STATEMENT

K.A.R. 115-4-4. Big game; legal equipment and taking methods.

DESCRIPTION: This regulation establishes legal equipment and taking methods for big game species. The proposed amendments would allow the use of crossbows by certain individuals in the archery season as well as remove restrictions related to possessing certain equipment for the permit type possessed.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment is not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

ALTERNATIVES CONSIDERED: None.

ECONOMIC IMPACT STATEMENT

K.A.R. 115-4-4a. Wild turkey; legal equipment and taking methods.

DESCRIPTION: This regulation establishes legal equipment and taking methods for wild turkeys. The proposed amendments would allow the use of crossbows by certain individuals in the archery season as well as remove restrictions related to possessing certain equipment for the permit type possessed.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment is not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

ALTERNATIVES CONSIDERED: None.